

**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE,**  
**VIJAYANAGARA DISTRICT, HOSAPETE.**

**S.C. No.5008/2020**

P.W. 04 C.W. 13

Name : Basavaraja  
Father's/Husband's Name : Kalappa  
Age : 38 years  
Occupation : Coolie  
Residence : Housi village, Haveri taluk

Duly Sworn on : 04-12-2025.

**Examination-in-chief by: learned P.P.**

One Smt. Durugamma is my wife. Accused no.2 is a daughter of C.W.9. C.W.9 is elder sister of my wife. Deceased Sri. Suresh is own brother of my wife. C.W.2 is elder brother of my wife. P.W.2 is a sister of my wife. P.W.3 is husband of P.W.2. I do not know the accused no.1. I do not know Juvenile persons in conflict with law( who are shown as accused no.3 and 4).

The marriage between the deceased and accused no.2 took place about 2 years prior to the death of the deceased. In their wedlock no child was born. The deceased and accused no.2 were residing in a house situated at Islamapura area in Harapanahalli town. C.W.9 Smt. Kenchamma who is the mother of the accused no.2 was residing in Harihara road camp in Harapanahalli town. The deceased and accused no.2 were leading married life cordially. About 6 years ago one day I received phone call from P.W.2 and went to C.J. Hospital Davanagere and identify the dead body of the deceased as that of the dead body of a brother of my wife by name Sri. Suresh. I do not know how he died and

who is responsible for his death. I have not given any statement before the police as to how he died and who is responsible for his death.

**( The learned PP prays for cross examination of this witness on the ground that the witness has given Statement before the I.O. and not ready to depose the truth before the Court. Perused the entire file and the examination-in-chief of this witness. Hence permitted)**

**Cross Examination by learned PP**

It is not true to suggest that subsequently I learnt that the accused no.1 and 2 had illicit relationship with each other; that after coming to know about the said illicit relationship between accused no.1 and 2, the deceased was quarreling with accused no.2; that in that background the accused no.1 and 2 and Juvenile in conflict with law( who is shown as accused no.3 and who is tried before Juvenile Justice Board) have made conspiracy with one another to commit murder of the deceased person; that on 11.09.2019 the accused no.2 had informed the accused no.1 to the effect that on the said date she would leave her marital house and would go and stay in her parents house and that the accused no.2 may go to her marital house and commit murder of the deceased; that accordingly accused no.1 and 3 had gone to the marital house of accused no.2 on a motor cycle bearing no. KA 17 TMP 9883 and carried with them an axe by separating the axe into the wooden handle and the iron axe portion; that on the next day on 12.09.2019 at about 1.00 a.m. the accused no.1 and 3 have illegally trespassed into the said house by pushing the front door and bolt with an intention to commit murder of the deceased; that the accused no.1 held and twisted the face of the deceased and assaulted on his head with the handle of the axe and cause bleeding injuries whereby the deceased died on the spot itself; that they have packed the dead body in a bed sheet and removed the pillow and bag and cleaned the floor with a

towel as the said pillow, bag and towel were blood stained and threw the said pillow, bag and towel by the side of the said house; that they carried the dead body on the said motor bike and threw it into a forest area in our village; and that on 12.09.2019, having fear that the dead body is thrown in the open place which is visible to the public at large, the accused no.1 and 3 have given alcohol to accused no.4 and all of them went to the said forest area at about 7.30 p.m. and removed the said dead body from the said place and shifted it to gokatte area throw it into a pit which is not visible to the public. It is not true to suggest that I have stated all the above suggested facts before the police on 16.09.2019 which is now read over and explained to me. The said statement of P.W.4 is now marked as **Ex.P.16**. I can not identify the photo of the dead body of brother of P.W.2 in Ex.P.3 to 6. It is not true to suggest that even though I know all the above suggested facts and even though I have given statement as per Ex.P.16 I am deposing falsely today.

**Cross-examination by Sri. G.V.P., Adv for Accused No.1 :- Nil.**

**Cross-examination by Sri. K.Y., Adv for Accused No.2 :- Nil.**

**(Typed to my dictation in the open Court)**

**R O I & A C**

**(D.P.KUMARA SWAMY)**

Additional District & Sessions Judge,  
Vijayanagara District, Hosapete.